UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK		
UNITED STATES OF AMERICA,	x :	
v.	:	
•	:	Case No. 23-CR-307 (LJL)
MICHAEL SHVARTSMAN,	:	
GERALD SHVARTSMAN, and BRUCE GARELICK,	:	
	:	
	:	
Defendants.	:	
	X	

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law and supporting Declaration of Tai H. Park, dated December 22, 2023, and exhibits attached thereto, Defendant MICHAEL SHVARTSMAN will move before the Honorable Lewis J. Liman, United States District Judge for the Southern District of New York, located at 500 Pearl Street, New York, New York 10007, at a time to be set by the Court, for the following relief:

- (1) to dismiss the Indictment pursuant to Article I and the Due Process Clause of the Constitution;
- (2) for suppression of the fruits of any information obtained by a government informant from Mr. Shvartsman and his in-house counsel after charges in this case were filed, pursuant to the Sixth Amendment, and for an evidentiary hearing with respect to similar activities by the informant pre-indictment;
- (3) to dismiss the Indictment, which is in part premised on false evidence presented to the Grand Jury or, in the alternative, for inspection of the Grand Jury presentation, and
- (4) for a bill of particulars pursuant to Federal Rule of Criminal Procedure 7(f), and for such other and further relief as this Court deems just and proper.

Dated: December 22, 2023

Respectfully submitted,

By: <u>/s/ TAI H. PARK</u>

Tai H. Park

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